

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
MARCH 27, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Giancarlo Patino, Engineer Associate
Lindsey Withrow, Community Services Director
Stephen Myrick, Building Official
Barbara Hathaway, Library Director
Amy Kelley, Systems Administrator

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, March 27, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Adrian Overstreet, Asset Manager for the Hill Country Galleria, commented on the Hill Country Galleria Festival to be held on June 30, 2012.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on March 13, 2012.
- B. Consider approval of the monthly financial and investment report.
- C. Consider approval of a Proclamation recognizing April 28, 2012 as SpringFest in the Hill Country Galleria.
- D. Consider Resolution No. 2012-01, a resolution recognizing National Telecommunicator Week in the Capital Area Council of Governments region.
- E. Consider Proclamation proclaiming April 25th as Parental Alienation Awareness Day and Bubbles of Love Day in Bee Cave.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the consent agenda items A, B, D & E.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

Council Member Dorsett abstained from voting on the minutes.

The motion carried.

Item C – Proclamation for Spring Fest in the Hill Country Galleria.

Laura Mitchell, President of the Lake Travis Chamber of Commerce, thanked the Council for considering the Proclamation recognizing April 28th as Spring Fest.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Dorsett, to approve the Proclamation recognizing Spring Fest 2012.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a presentation by the Friends of Bee Cave Dog Park.

John Stevens, representing the Friends of Bee Cave Dog Park, spoke to the Council on this item. He stated that the Friends seek to establish a partnership with the City to make suggestions for improvements, raise money to support enhancements and work on projects as volunteers at the Park.

No action was taken on this item.

Public hearing, discussion and possible action on Ordinance No. 107, an ordinance providing for the re-zoning application by Jeffery Baker to change zoning from Town Center to Planned Development District– Town Center and to allow Quick Lube\Oil Change\Inspection and General Auto Repair as permitted uses, located at 13719 W State Highway 71.

Executive Session

The City Council closed the Open Session at 6:15 p.m. to convene in Executive Session in the Conference Room to discuss the above item.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 6:43 p.m. and reconvened in Regular Session in the Council Chambers.

Mayor Murphy called the public hearing to order on the above item at 6:44 p.m.

Randy Jones, 12309 Carlsbad Drive, stated that he was in favor of the use and the location.

Gayle Owen, 11211 Musket Rim, stated that she approved of the business at that location.

Barbara Boothe, 12525 Highway 71 West, stated that the new building would be an improvement and help the tax revenue for the City.

Burgess Buchanan, 12110 Carlsbad Drive, stated that she was in favor of the business.

Jim Cummings, 13442 Saddleback Pass, stated that the quick lube was a good use for that property.

Greg Christopher, owner of the Shops at the Galleria, stated that he supported the re-zoning of the property.

Judy Gulick, 11715 Astoria, stated that this location was not town center and was in favor of the project.

James Winfrey, 2910 Travis Lakeside Drive, stated that he liked the idea of a quick lube in Bee Cave where he shops.

Steve Braasch, 14416 Piper Glen, stated that he was speaking on behalf of Harriet and Johnny Wells. He commented that the proposed business would improve the look of the location and would bring property tax revenue and service to the City.

Ray Ellis, 4723 Nall, Dallas, stated that he was in favor of the business.

Neal Hardin, 1008 RR 620 S, stated that he was the attorney for Harriet Wells and that he had seen numerous contracts on the property rise and fall. He encouraged the Council to support the project.

Todd Pittenger, 3716 Broadwinged Hawk, stated that he supported the project.

Zelda Auslander, 3101 Hayden Bend, stated that she was against the use of a quick lube or auto repair in Town Center. She commented that it goes against the master plan and that it was inconsistent and illogical.

Ben Siddons, 11612 Bee Cave Road, stated that the property was not Town Center. He supported the project.

Adrian Overstreet, 5305 Arbutus Cove, stated that he was opposed at first but since the client has worked with him to re-design the building he was now in favor of the project.

Jeannie DeFazio, 110 Golden Bear, stated that she was a commercial broker and was in favor of the project.

Joanne Rimkus, 11605 Uplands Ridge, stated that she was in favor of the project.

Wayne Rimkus, 11605 Uplands Ridge, stated that he was in favor of the project.

Ivana Sorrell, 3416 Reims Court, stated that she was in favor of the project.

Jennie Braasch, 14416 Piper Glen, stated that she was representing the applicant. She gave a power point presentation of the project and encouraged the Council to approve the zoning change.

Johnny Coultrup, owner of the property, encouraged the Council to approve the project. He stated that he needed the money to support himself.

Jim Withers, applicant for the Kwik Kar Lube, encouraged the Council to approve the project.

Bill McLean, attorney for the applicant, reviewed the ordinance and stated that he believed it was a compatible use.

Carrell Killebrew, stated that he opposed the use of the property for a quick lube.

Terri Wood, Chair of the Planning & Zoning Commission, stated that the Commission voted against the proposed project. She explained their actions.

George Kennebeck, 13517 Overland Pass, opposed the project.

Gary Noble, Spicewood, stated that he opposed the development.

Bill Pohl, owner of Pohl-Braasch, stated that he has marketed the property for six years and that he supported this project. He also commented that the only people who would benefit from the transaction are he and Jennie Braasch.

Robert Harrison, 19733 Lakehurst Loop, stated that the area was not Town Center and he was in favor of the project.

John Colman, 5201 Great Divide, stated that he was opposed to the project and asked the Council to consider what will happen if the business fails.

Mayor Murphy closed the public hearing at 8:05 p.m.

Jeff Linder with Bannister Engineering addressed the Council about requested changes to the ordinance.

The applicant agreed to 6 trees per 100 linear feet, to add the definition of minor auto repair as it is in the Code of Ordinances, to change the gross income derived from auto repair to not exceed 20% instead of 30%, and to prohibit the use of mobile signs.

After deliberation by the City Council, Mayor Murphy called for a motion.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 107 as amended.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, and
Murphy
Voting Nay: Council Members Bockius and Goodwin
Absent: None

The motion carried 3-2.

Executive Session

The City Council closed the Open Session at 9:03 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Discussion regarding acquisition of real property for possible use as water quality mitigation land.

The City Council closed the Executive Session at 9:43 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on a Temporary License Agreement between the City of Bee Cave and the Hill Country Galleria.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the temporary license agreement with the Hill Country Galleria.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the exception request to Bee Cave Code of Ordinances Section 30.03.003 (e): Easements, to establish easements by separate instrument for Ladera Ranch Phases 1 and 2A final plats.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the exception request to establish easements by separate instrument for Ladera Ranch Phases 1 and 2A final plats.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the posting of fiscal security for Ladera Boulevard installation and maintenance improvements within the Right of Way.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the posting of fiscal security for Ladera Boulevard installation and maintenance improvements within the right-of-way.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Ladera Ranch Phases 1 and 2A final plats, vacating Ladera Ranch Final Plat Document No. 200700357, located behind Target on Home Depot Blvd.

Danny Martin, Engineer, spoke on this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Ladera Ranch Phase 1 and 2A final plats, vacating final plat

Document No. 200700357, subject to a note being placed on the plat regarding the vacation of the existing plat and other instruments and subject to the posting of fiscal security for Phase 1 in the amount of \$441,116.26 and Phase 2A in the amount of \$209,356.81

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Masonwood preliminary plat, located on a portion of the Grumbles Tract on Highway 71 within the City's Extraterritorial Jurisdiction.

Aaron Googins, representing Masonwood presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the preliminary plat conditioned upon letters from utility providers be submitted at the final plat stage.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
and Murphy
Voting Nay: Council Member Goodwin
Absent: None

The motion carried 4-1.

Discuss and consider action on a sign variance for Frozy's Shaved Ice located at 3595 RR 620 S in the City's extra-territorial jurisdiction across from the Home Depot development.

Andy Brawley representing Frozy's Shaved Ice was present to answer questions.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the sign variance for Frozy's Shaved Ice until October 15, 2012.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a sign variance for the Bee Cave Police Department.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the sign variance for the Bee Cave Police Department.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Ordinance No. 108, an ordinance restating and affirming the creation of the West Travis County Public Utility Agency.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve Ordinance No. 108 restating and affirming the creation of the West Travis County Public Utility Agency.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the posting of fiscal security for Cielo Homes.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to approve the letter of credit in the amount of \$261,010.40 for Cielo Homes.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: None

The motion carried.

The City Council adjourned the Regular Session at 10:35 p.m.

PASSED AND APPROVED this 10th day of April, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]